

VENABLE LLP  
101 CALIFORNIA STREET, SUITE 3800  
SAN FRANCISCO, CA 94111  
415.653.3750

VENABLE LLP  
Steven E. Swaney (SBN 221437)  
seswaney@venable.com  
101 California Street, Suite 3800  
San Francisco, CA 94111  
Telephone: 415.653.3750  
Facsimile: 415.653.3755

Leonard L. Gordon (*pro hac vice* application forthcoming)  
llgordon@Venable.com  
Benjamin P. Argyle (*pro hac vice* application forthcoming)  
bpargyle@Venable.com  
151 W. 42nd Street, 49th Floor  
New York, NY 10036  
Telephone: 212.307.5500  
Facsimile: 212.307.5598

Attorneys for Non-Party Nintendo of America, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION

Plaintiff,

v.

MICROSOFT CORPORATION, et al.

Defendants.

Case No. 23-cv-02880-JSC

**NON-PARTY NINTENDO OF AMERICA  
INC. STATEMENT IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PROTECTIVE ORDER**

1 Non-Party Nintendo of America Inc. (“NOA”) respectfully submits this statement in  
 2 support of Plaintiff Federal Trade Commission’s (“FTC”) Motion for Protective Order (ECF  
 3 112). For the reasons set forth in Non-Party Sony Interactive Entertainment LLC’s Statement In  
 4 Support of Plaintiff’s Motion for Protective Order (ECF 141), the protective order in this case  
 5 should not permit Defendants’ in-house counsel access to NOA’s highly-sensitive commercial  
 6 information that NOA produced in the related administrative proceeding, *In the Matter of*  
 7 *Microsoft/Activision Blizzard*, FTC Docket No. 9412. Accordingly, the FTC’s Motion for  
 8 Protective Order should be granted.

9 Dated: June 21, 2023

VENABLE LLP

10  
 11 By: /s/ Steven E. Swaney  
 12 Steven E. Swaney  
 13 Leonard L. Gordon (pro hac vice  
 14 application forthcoming)  
 15 Benjamin P. Argyle (pro hac vice  
 16 application forthcoming)  
 17 Attorneys for Non-Party Nintendo of  
 18 America, Inc.  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28